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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 3, 1999

APPLICATION OF

WINSTAR WIRELESS OF VIRGINIA, LLC

CASE NO. PUC990013

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On February 12, 1999, WinStar Wireless of Virginia, LLC ("WW-VA LLC" or "Applicant") completed an application for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia.

By order dated March 8, 1999, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a report, and scheduled a public hearing to receive evidence relevant to WW-VA LLC's application.

On April 26, 1999, Staff filed its report finding that WW-VA LLC's application was in compliance with the Commission's Rules for Local Exchange Telephone Competition, as adopted in

Case No. PUC950018,¹ and the Commission's Rules Governing the Certification of Interexchange Carriers, as amended in Case No. PUC850035.² In its report, Staff also suggested that, upon certification of WW-VA LLC to provide local exchange and interexchange telecommunications services, the certificates previously granted to WinStar Wireless of Virginia, Inc. should be canceled since the entity to which they were issued no longer exists.³

A hearing was conducted on May 5, 1999. WW-VA LLC provided proof of publication of newspaper notice as directed by the Commission's March 8, 1999, Order. However, at the hearing, WW-VA LLC acknowledged that it did not provide notice to local exchange companies ("LECs") and interexchange carriers ("IXCs") certificated in Virginia and requested that the Commission grant it additional time to provide such notice.

In an order dated May 13, 1999, the Commission established a revised schedule for notice and comment. The Commission noted

¹ See 20 VAC 5-400-180.

² See 20 VAC 5-400-60.

³ By Commission Order dated March 11, 1997, in Case No. PUC950076, WinStar Wireless of Virginia, Inc. ("WW-VA Inc.") was authorized to provide local and interexchange telecommunications services throughout the Commonwealth of Virginia. On March 26, 1999, the Commission's Order in Case No. PUA990003 approved the merger and transfer of assets of WW-VA Inc. and WW-VA LLC, whereby WW-VA LLC obtained the operating assets of WW-VA Inc. Since the merger and transfer of assets did not transfer WW-VA Inc.'s certificates to provide telecommunications services, WW-VA LLC filed this application for certification to provide both interexchange and local services.

that, if there were no requests for the hearing to be reconvened, the Commission might grant the requested certificates based upon the exhibits received at the May 5, 1999, hearing. No written comments, notices of protest or requests that the hearing be reconvened were filed.

On May 20, 1999, the Applicant provided proof of notice as directed in the Commission's Order dated May 13, 1999.

Having considered the application and the Staff report, the Commission finds that WW-VA LLC's application should be granted. We also find that we should cancel the certificates previously granted to WinStar Wireless of Virginia, Inc., since the entity to which they were issued no longer exists. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) WW-VA LLC hereby is granted a certificate of public convenience and necessity, No. TT-32B, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) WinStar Wireless of Virginia, LLC hereby is granted a certificate of public convenience and necessity, No. T-374a, to provide local exchange telecommunications services subject to the restrictions set forth in the Commission's Rules for Local

Exchange Telephone Competition, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) WW-VA LLC shall provide tariffs to the Division of Communications which conform with all applicable Commission rules and regulations.

(4) Certificate of public convenience and necessity No. TT-32A, issued in Case No. PUC950076 to WinStar Wireless of Virginia, Inc. to provide interexchange telecommunications services hereby is canceled.

(5) Certificate of public convenience and necessity No. T-374, issued in Case No. PUC950076 to WinStar Wireless of Virginia, Inc. to provide local exchange telecommunications services hereby is canceled.

(6) Since there is nothing further to come before the Commission, this case shall be dismissed and the papers herein placed in the file for ended causes.